



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 6, 2021

BY ECF/EMAIL TO CHAMBERS

Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: *United States v. Seth Fishman*, S6 20 Cr. 160 (MKV)

Dear Judge Vyskocil:

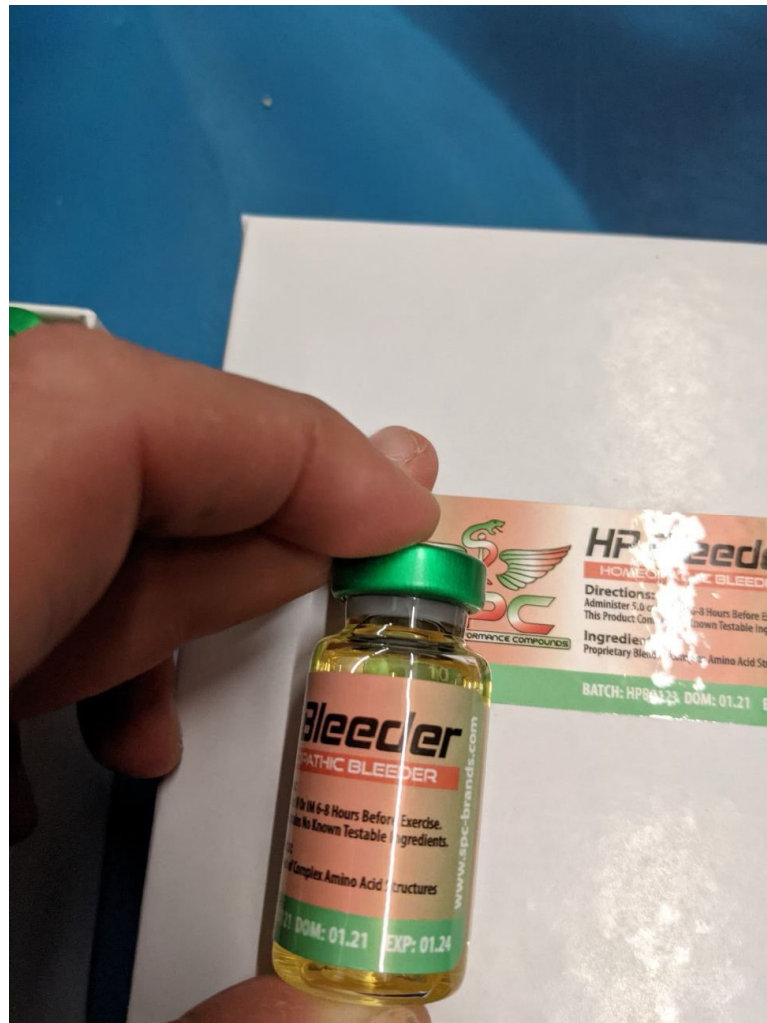
The Government writes to respectfully request that the Court order a bail review hearing regarding defendant Seth Fishman in light of evidence of his continued violation of the federal misbranding laws and the terms of his pretrial release. *See* 18 U.S.C. § 3142(f) (allowing for reopening of a detention hearing “at any time before trial if the [Court] finds that information exists that was not known to the [Government] at the time of the [initial hearing] and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.”); *see also* 18 U.S.C. § 3148 (a) (“A person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.”).

In the course of proffering a potential trial witness who has been a long-time employee (“Employee-1”) of Fishman’s illegal drug distribution business, variously operating under the trade names “Equestology,” “Camelology,” “Equi-Tech,” and other similar monikers, the Government was informed, on or about November 9, 2021, by Employee-1 that Fishman’s business continued to operate in a purportedly limited capacity. More specifically, Employee-1 informed the Government, in substance and in part, that Fishman’s business was creating “energy drinks” for foreign distribution and that Employee-1 remained tasked, by Fishman, with continuing to create a “bleeder” paste (itself a drug containing active pharmaceutical ingredients), which Employee-1 also described as being for foreign distribution. As charged in the Indictment, Fishman’s drug operation is not registered or licensed with the FDA to create, manufacture, and distribute drugs, including the “bleeder” paste reportedly in continued production.

In light of the information provided by Employee-1, and following continued discussions with Employee-1 and the receipt of photographs of the “bleeder” paste from Employee-1, the Government arranged with Employee-1 (and Employee-1’s counsel) for agents of the FBI to accompany Employee-1 into her workspace. Employee-1 consented to allow FBI agents to

accompany her into her workspace, and this consent search was in fact conducted on December 3, 2021. At that time, the FBI agents (accompanied throughout by Employee-1) discovered that Fishman is continuing to produce and distribute *not only* the paste identified by Employee-1 and the purported “energy drinks,” but additional injectable, misbranded and adulterated performance enhancing drugs, including the injectable drugs “HP Bleeder” and “PSDS: Pain Shot DS.” Labeling on certain of the vials discovered during this consent search reflect that Fishman continues to create and distribute these drugs today, including “date of manufacture” markings reflecting activity even into 2021.

Certain photographs taken by the investigating agents during the consent search appear below:¹



¹ Remarkably, despite having been arrested in October 2019 and indicted in 2020 in connection with his sale of misbranded and adulterated drugs designed to be “untestable” by various anti-doping authorities, Fishman apparently persists in touting the efficacy of his drugs in evading anti-doping testing regimes, labeling his new batches of HP Bleeder so as to indicate to his clientele that they contain no known “testable” ingredients.










This final photograph, depicting shipping material for “E.G.H.” appears to be recently created packaging for equine growth hormone, a substance that, like HP Bleeder and various pain shots, were also sold by Fishman during and as part of the charged conspiracies.

In addition to constituting evidence of the charged offenses and reflecting continued violation of federal law, the recent search reflects Fishman's failure to comply with the most basic term of his pretrial release, namely that he not "violate federal, state, or local law while on release." ECF No. 7 at 2. The drugs found in Fishman's offices continue to be manufactured through the same unregistered, unlicensed business that forms the basis of the charged offense, and include the drug "HP Bleeder" previously obtained from multiple searches of premises controlled by Jorge Navarro, Lisa Giannelli, Christopher Oakes, as well as defendants Richard Banca and Louis Grasso charged in *United States v. Grasso, et al*, 20 Cr. 163 (PKC). As such, there is ample basis for a finding of probable cause that Fishman has flagrantly violated the terms of his pretrial release by committing an ongoing federal crime, and, as such, "a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community." 18 U.S.C. § 3148(b); *see also United States v. Galanis*, 656 Fed. App'x 560 (2d Cir. 2016) (reciting applicable standards under § 3148).

Therefore, the Government requests that the Court convene a conference at the Court's earliest convenience, to consider revocation of Fishman's bail and the imposition of pretrial detention.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: 

Andrew C. Adams
Sarah Mortazavi
Assistant United States Attorneys

CC: Maurice Sercarz, Esq. (counsel for Seth Fishman)